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# In the Supreme Court of the United States

OCTOBER TERM, 1959

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No. ——

JOHN A. HANNAH, ET AL., APPELLANTS

*v.*

MARGARET M. LARCHE, ET AL.

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No. ——

JOHN A. HANNAH, ET AL., PETITIONERS

*v.*

J. A. H. SLAWSON, ET AL.

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**MOTION TO ADVANCE**

Pursuant to Rule 43(4), the Solicitor General, on behalf of appellants in No. 549, *Hannah* v. *Larche,* and petitioners in No. 550, *Hannah* v. *Slawson,* respectfully moves that these cases be advanced for hearing and decision. In support of this motion, we show as follows:

1. The Commission on Civil Rights, created by the Civil Rights Act of 1957, 42 U.S.C. 1975, has the duty, *inter alia,* of investigating allegations that citizens of the United States have been deprived of their right to vote by reason of their color, race, religion, or na-

tional origin. The 1957 Act provided that a final report on the Commission's activities, findings, and recommendations was to be submitted to the President and the Congress not later than two years from September 9, 1957. 42 U.S.C. 1975c(b). On September 28, 1959, the limit for the submission of the report was extended for two years. P.L. 86–383, 73 Stat. 724. The Commission expires sixty days after the submission of its final report. 42 U.S.C. 1975c(c).

2. On October 7, 1959, the District Court for the Western District of Louisiana in No. ——, *Hannah* v. *Larche,* rendered an opinion holding that certain of the Commission's rules and procedures were unauthorized by statute. On November 9, 1959, the court entered a formal order enjoining the Commission from holding any hearings in the Western District of Louisiana in which these procedures were followed. In the attached letter from Mr. Gordon M. Tiffany, the Commission's Staff Director, to the Attorney General, dated November 18, 1959, it is stated that, although the orders of the District Court are limited to the Western District of Louisiana, the Commission believes that it cannot, in good conscience, hold further hearings anywhere in the United States so long as the orders of the District Court are outstanding, inasmuch as such hearings in other districts would only result in cumulative litigation, delay, and unwarranted expenditure of money, time, and personnel. On the other hand, the facts necessary to the preparation of the Commission's report must be developed by hearings at which sworn testimony and reliable documentary evidence are adduced. The ex-

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perience of the Commission has shown that the power to conduct such hearings is essential to the performance of its statutory duties. It is apparent, therefore, that unless and until the injunction imposed by the District Court is lifted, the Commission will not be able to function effectively and to carry out the duties with which it was charged by the Congress.

3. The Commission now has less than twenty-two months left in which to submit a final report and considerably less than that for investigatory activities leading up to the preparation of that report. If the normal briefing and argument procedures and time-limits are observed in these cases, it is likely that much of the remaining life of the Commission will be lost before there could be a definitive ruling by this Court.

Accordingly, the Government respectfully suggests that these cases be set down for hearing at the January argument session. If this should be done, the Government would be ready to file its briefs on the merits by December 15. This would permit ample time for the preparation and filing of opposing briefs by the other parties.

Respectfully submitted.

J. LEE RANKIN,
*Solicitor General.*

NOVEMBER 1959.

## APPENDIX

COMMISSION ON CIVIL RIGHTS,
*Washington 25, D.C., November 18, 1959.*

Re: Larche v. Hannah et al.
C.A. No. 7479

DEAR GENERAL ROGERS: We urge that the necessary steps be taken to advance the above case on the calendar of the Supreme Court for the following reasons:

So long as the court order restraining the Commission from conducting voting hearings is in effect, we cannot in all good conscience hold further hearings, even though the order by its expressed terms is limited to the Western District of Louisiana.

In view of the requirement that we must file our final report with the President and the Congress not later than September 9, 1961, this delay is a serious handicap.

The conduct of voting hearings in other districts in that State or, for that matter, in other States where we have received voting complaints, if undertaken before the Larche case is finally determined, would only result in cumulative litigation, delay and unwarranted expenditure of money, time and personnel.

The effective operation of this Commission requires that we obtain by sworn testimony and by reliable



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documentary evidence the necessary facts on which to make our report. It is is apparent in our statute that this is to be done by hearings and by the use of the subpoena power. Based upon our experience, these powers delegated to the Commission in the law are essential to the performance of its proper duties.

It is our earnest hope, therefore, that the Supreme Court may hear argument in this matter in January and dispose of it as soon as possible thereafter. Otherwise, we face the grave possibility that half the time the Congress has provided in the extended life of the Commission may be lost.

Sincerely yours,

(S) GORDON M. TIFFANY
Gordon M. Tiffany.

The Honorable WILLIAM P. ROGERS,
*The Attorney General.*

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